IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPEAL NO.810 OF 2004

The State of Maharashtra ...Appellant

V/s.

Laxman Vithoba Sathe ...Respondent

Mr.Y.M. Nakhawa APP for State/Appellant.
None for Respondent.

CORAM : V.M. KANADE, J.

DATED : 13th AUGUST, 2007.

P.C:-

1. Heard learned APP for the State/Appellant.

2. This is an appeal against order of acquittal of Respondent/accused for the offence punishable U/s.379 of IPC.

3. Prosecution case is that Respondent/accused was caught hold red-handed when he was taking away she-buffalo owned by the complainant. The Trial Court has observed that complainant has made number of improvements in his case which indicates that he had not seen actual incident. Further, three eye witnesses who were

examined by the prosecution, did not support to the prosecution. The Trial Court, therefore, acquitted the accused by giving him benefit of doubt.

4. In my view, there is no infirmity in the order passed by the Trial Court. There is no reason to interfere with the impugned order. Leave is refused. Appeal is dismissed.

V.M. KANADE, J.